

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0499

**ORIGINAL**

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID W. GUNDERSON,

Defendant and Appellant.

FILED

FEB 02 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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**MOTION TO SUPPLEMENT THE RECORD**

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Pursuant to Mont. R. App. P. 9(f), Appellant moves to supplement the record in this cause by ordering the production of the following transcripts:

1. Motion Hearing held on 5/23/08.

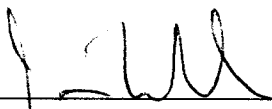
Counsel has contacted Becky Orozco, the official court reporters who presided over the above-referenced hearings, and they will need until February 11, 2009, in which to file the requested transcripts.

Opposing counsel has been contacted and has no objection to supplementing this record.

Respectfully submitted this 2<sup>nd</sup> day of February, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER  
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By:

  
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for KOAN MERCER  
Assistant Appellate Defender

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing

Motion to Supplement the Record to be mailed to:

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DATED: 2-2-2009 